

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THOMAS LEWIS,)	8:16CV108
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
THE STATE OF NEBRASKA;)	
THE CITY OF OMAHA;)	
THE OMAHA FAMILY COURT;)	
THE DEPARTMENT OF HEALTH AND)	
HUMAN SERVICES; and)	
THE OMAHA POLICE DEPARTMENT,)	
)	
Defendants.)	
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Plaintiff Thomas Lewis (“Lewis”) filed his Complaint (Filing No. [1](#)) in this matter on March 9, 2016. This court has given Lewis leave to proceed in forma pauperis. The court now conducts an initial review of his Complaint to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#).

I. SUMMARY OF COMPLAINT

Lewis complains that three of his children were taken from his home in 1999 and 2000 while he was being investigated for sexually abusing one of the children, and that his parental rights were terminated in 2002. Lewis claims evidence was discovered in 2004 which proved that the 1999 sexual molestation was committed by a nephew of his child’s day care provider. Lewis generally alleges that the State of Nebraska, the City of Omaha, the Omaha Family Court, the Department of Health and Human Services, and the Omaha Police Department violated his civil rights, and he asks this court to set aside the Family Court’s order terminating his parental rights and to return the children (who have since been adopted by others) to his custody. He also seeks to recover damages.

II. DISCUSSION

A fundamental problem with the complaint is that this court does not have jurisdiction to reverse the state court's judgment terminating Lewis's parental rights. The *Rooker-Feldman* doctrine prohibits lower federal courts from exercising appellate review of state court judgments. See [*Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 416 \(1923\)](#); [*District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 482 \(1983\)](#). The *Rooker-Feldman* doctrine applies where, as here, a case is brought by a loser in a state court action, complaining of injuries caused by the state court's judgment rendered before the district court proceedings commenced and inviting the district court to review and reject that judgment. See [*Exxon Mobile Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 \(2005\)](#).

Here, Lewis is challenging the state court's decision to terminate his parental rights. He explicitly asks that his children be returned to him. Any review of Lewis's claims would require this court to review the specific issues addressed in the state court proceedings. This court does not have jurisdiction to review the state court proceedings or grant the relief Lewis seeks. Accordingly, the court will dismiss this case for lack of subject matter jurisdiction.

III. CONCLUSION

This court cannot act on Lewis's claims. Lewis will not be allowed to file an amended complaint because the court has concluded that to do so would be futile.

IT IS THEREFORE ORDERED that the case is dismissed without prejudice. The court will enter judgment by a separate document.

April 18, 2016.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge